

Assembly Bill No. 1484

CHAPTER 943

An act to add and repeal Section 56302 of the Government Code, relating to local government reorganization, and making an appropriation therefor.

[Approved by Governor October 12, 1997. Filed
with Secretary of State October 12, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1484, Hertzberg. Local government reorganization.

Under the Cortese-Knox Local Government Reorganization Act of 1985, a local agency formation commission is established in each county for the review and approval of changes in boundaries of local agencies. Under that act, 2 or more changes of organization of local governmental entities constitute a reorganization.

This bill would create the Commission on Local Governance for the 21st Century, consisting of 15 members appointed by the Governor, the Assembly Committee on Rules, and the Senate Committee on Rules, as specified. The bill would require the commission to report to the Legislature and the Governor on specified topics relating to reorganization. The bill would authorize the commission to appoint employees, as specified, and to contract with any other public or private agency for necessary goods and services.

This bill would state that the commission shall remain in existence until January 1, 2000, and as of that date, would repeal the provisions relating to the commission, unless a later enacted statute, enacted before January 1, 2000, deletes or extends the commission's existence.

This bill would appropriate \$250,000 from the General Fund, for the 1997-98 fiscal year, to the commission to carry out its duties and responsibilities.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 56302 is added to the Government Code, to read:

56302. (a) The Legislature finds and declares that nearly 35 years have passed since legislators last conducted a thorough investigation of the policies, practices, and statutes affecting the organization and boundaries of California's local agencies. That effort, which resulted in the enactment of the Knox-Nisbet Act, was the product of a careful study by the Commission on Metropolitan Area Problems,

commissioned by Governor Edmund G. Brown, Sr. In the intervening decades, there have been fundamental, constitutional, demographic, economic, institutional, and political shifts in California and within the state's communities. The sustained interest in incorporating new cities, resistance to city annexations, problems in financing local agency facilities and services, and proposals to detach territory from existing cities demonstrate the need for the Legislature and the Governor to reevaluate the statutory policies and procedures that have guided California's communities for nearly 35 years. Therefore, the Legislature finds and declares the necessity for commissioning a careful study of local agency organization and boundaries, consistent with its constitutional duty pursuant to subdivision (a) of Section 2 of Article XI of the California Constitution.

(b) There is created the Commission on Local Governance for the 21st Century which shall consist of 15 members. The Governor shall appoint nine members, the Assembly Committee on Rules shall appoint three members, and the Senate Committee on Rules shall appoint three members. Of the Governor's appointments, one shall be a city representative, one shall be a county representative, one shall be a special district representative, and one shall be a representative of local agency formation commissions. Each appointing authority shall endeavor to appoint members who reflect the geographic, ethnic, racial, gender, and cultural diversity of the state. Each appointing authority shall appoint members who have demonstrated an interest and have proven academic or professional ability in the fields of demography, urban economics, land use planning, public finance, and the legal aspects of local agency organization and boundaries.

(c) Notwithstanding Section 7550.5, on or before June 30, 1999, the commission shall report to the Legislature and the Governor regarding all of the following:

(1) A review of the current statutes, including, but not limited to, this division, regarding the policies, criteria, procedures, and precedents for city, county, and special district boundary changes.

(2) Proposals to add criteria to increase citizen and community participation in city, county, and special district governments.

(3) Proposals to ensure conformity with the requirements of federal law, including, but not limited to, the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971).

(4) Recommendations for statutory changes, if any.

(d) The commission shall conduct public meetings to solicit the views and advice of the public, including elected and appointed officials, regarding city, county, and special district organization and boundaries.

(e) The commission shall select a chair and a vice chair from among its membership.

(f) The members of the commission shall be reimbursed their actual and necessary expenses for attending the meetings of the commission. The commission may authorize a payment of a per diem not to exceed one hundred dollars (\$100) to its members for each day while they are in attendance at meetings of the commission. The commission may appoint employees, including counsel, define their qualifications and duties, and provide for compensation for the performance of those duties. The commission may contract with any other public or private agency for any services necessary to carry out the purposes of this section. The cost of the quarters, equipment, supplies, and operating expenses incurred by the commission shall be paid from the appropriation made by the act which enacted this section.

(g) The commission shall remain in existence until January 1, 2000, and as of that date, this section is repealed, unless a later enacted statute, enacted on or before January 1, 2000, deletes or extends this section and the commission's existence.

SEC. 2. The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated from the General Fund , for the 1997-98 fiscal year, to the Commission on Local Governance for the 21st Century created by this act to carry out its duties and responsibilities.

